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If our friends who favor us with manuscripts fo publication wish to have rejected articles returned they must in all cases send stamps for that purpose.

#### Sweet Are the Victuals of Hope.

The proposition in the Governor's message to include the telegraph and telephone systems within the scope of the Public Service Commission is a very natural one and will excite no surprise and provoke little opposition. There is no reason why either should be exempt from the operation of modern constructive and protective legislation.

Relieved from the annual struggle to evade or compromise with Albany blackmail, they will have plenty of time to devote to the confession and disclosure of the myriad scandals which have marked their heretofore existence, conscious that they are thereby contributing largely to the personal political welfare of some worthy individual.

No one can have been deaf to the incessant clamor of a long suffering public for lower rates for telegraphs and telephones, and there will be universal rejoicing at the prospect of a cheaper and a better service, such as has attended the Commission's jurisdiction over our various city railways and our Brooklyn Bridge. The Commission has so far spent a million dollars in its short existence, and the public is so enthusiastic over what it has achieved and over what it has done to enliven the daily press that it has unanimously agreed to give it perhaps two millions more to carry on the good work.

Only a venal and malignant criticism could allege that our rapid transit and other forms of communication are in worse condition now than they ever were | do it and that there is nothing to show for the Commission's activity except the loss of a million dollars of the taxpayers' money. Such commentary is as irrelevant as unjust. The Commission, as its highly intellectual chairman so wisely and temperately observes, has only begun. Moreover, it has already completed exhaustive plans for two new and extensive subways in this and an adjoining borough. What more, pray, does the public expect? The objection that neither of these proposed subways can be constructed, and that the Commission itself is an insuperable barrier to all such and similar enterprises, is quite beside the question and can be advanced only with disreputable motives. Sweet, indeed, and sufficient, are the victuals of hope!

In these exiguous times the Barmecide hotel is the best, and to fill our cup of content and happiness no more is needed than the mere suggestion of the Governor of the State of New York that we rip every safeguard from the obligations and the credit of our city and plunge gavly

down the toboggan of bankruptcy. Governor HUGHES as a financier fills us with the same kind of joy with which we have long contemplated Mr. Roose-VETAT in his quality as an Admiral.

# The Man on Horseback Order.

In another column on this page a letter is printed which reflects the amazement of the army at an order issued by the War Department that the cadets of each graduating class at West Point shall be examined by a board of five officers to determine who among them are specially qualified for mounted service, who may be certified as qualified, and who shall be considered as not qualified at all for the mounted service. The army has had many shocks and surprises under the direction of a Commander in Chief who has seen fighting himself and is determined to reform the service, but the army has been fairly flabbergasted by the view of the Military Academy which is reflected in this order to sort out the centaurs from the marines. The army wonders whether the President knows that and New York ragamuffins on Thanksall the cadets are taught to ride and to ride well-certainly well enough to jump a three barred gate and sit a horse on the parade ground and even in active service. If he understands this, what could have prompted him to approve of the post-graduation test at West Point, and what is the purpose of it?

At the Military Academy it is supposed to be the rule that class standing shall determine the branch of the service to which the graduating cadet is to be assigned, unless he indicates a preference for another arm. The order of assignment is, in the absence of a personal choice which waives class standing, engineers, ordnance, artillery, cavalry and infantry. Most of the cadets go into the strong cavalry and infantry branches, but it will be a great hardship if a cadet who stands well in his studies is excluded from the artillery or cavalry because in the opinion of the "board of five officers" (by the way, they must be cavalrymen to qualify as experts), he does not ride as well as a cadet of lower standing. As \*Foot Service" points out, a cadet who

commission in the army. Obviously a board of cavalry officers would be tempted to report in favor of the pick of the class as regards soldierly qualities, which at the end of a four years course are pretty well known, and it is not to be doubted that the infantry would lose many officers peculiarly, competent to command in a branch which has a larger share in winning battles under modern tactical conditions than all other branches combined. We are not surprised that army officers who have the good of the service at heart are filled with distrust and resentment when they read the new man on horseback order. It seems to be ill advised and fatuous, unless equestrianism is neglected at West Point. We know that such is not the case. Surely the annual fifteen mile walk, trot, gallop test already prescribed should prove adequate to weed the derelicts out of the

service What is the mystery of the mind that originated the West Point order? We do not think, as some of the infantry officers fear, that there is a cavalry plot to dominate the army and keep the infantry under. Would it not be egregious presumption on the part of a branch that cut so small a figure in the Russo-Japanese war to attempt to relegate the indispensable infantry to the rear? In putting this question there is no intention to depreciate the cavalry branch. Its usefulness and efficiency were not determined within narrow lines by the Manchurian campaign. All wars, most wars, will probably not be fought in the same way, and cavalry or "mounted infantry" may be conspicuous and effec tive again, as they were in the Boer war. At any rate, they must continue to form a large part of modern armies unless it is demonstrated in future wars that their

#### tactical value has been exaggerated. Closing the Racetracks.

The proposition which Governor HUGHES advances in his message to the effect that the revenue which the agricultural associations now derive from racecourse gambling should, in the event that such gambling be abolished, be made up to them by the taxation of other people, impresses us as being immoral and offensive, and we are sorry that the Governor has made it.

If the police of this town derive a rich revenue from vice, ought they, vice being abolished by law, to be reimbursed by the taxpayers for their loss of revenue?

The existing relation between the State and the race gamblers, under what is known as the Percy-Gray law, is in some wise the compounding of a felony. It would be a disgrace to the State if anybody really cared about the matter; but such public opinion as exists on the ! subject is on the side of the gamblers Enforce the statutes by all means. Do not discriminate between forms of lawessness. And above all things be honest about what you do and about how you

Put an end to racecourse gambling for good and all, but don't do it on the hypocritical and dishonest pretence that it means a concession to an outraged public morality. It means nothing of the kind. The real sentiment of the community favors horse racing and the familiar practices of the racecourse, and both will be interfered with only for that they offer for the agricultural associations to get their share of plunder.

But the idea of feeding and maintain ing a lot of hungry blackmailers, sturdy voters though they be, out of the public treasury is intolerable and impossible.

# Compliments From Mr. Raines.

Senator RAINES does not believe in the Massachusetts form of ballot, which is regarded generally as the fairest and simplest instrument yet devised for recording the will of the citizens. He thinks that the adoption of this ballot would reduce the vote in the State by from 100,000 to 200,000. He adds:

" Such a ballot law would mean that Tammany Hall would have control of New York city for the next half century."

Leaving out of account the extreme probability of Tammany control of New statement will be read with interest by the Republicans of New York, Kings Queens and Richmond counties. Laziness and incredible stupidity are the only things that would prevent Republicans, or any other partisans, from voting on any other. Mr. RAINES appears to believe that the Republicans in these four counties are far more stupid and lazy than the Democrats.

Senator RAINES has had many excel lent opportunities, in the Legislature and outside of it, to judge the relative mental acuteness and enterprise of New York city Republicans and Democrats. His opinion is not to be rejected lightly. He ought to know what he is talking about.

# The Philadelphia Shooters.

Suppose all this town a continuous Greenwich village such as Greenwich village was a generation ago. Suppose the Antiques and Horribles of New England hamlet Fourth of July celebrations giving Day extended and amended by the art of the carnival float. Suppose something of the Attic wit of the comic colored Sunday supplements inspiring a great procession and a great city. Suppose, finally, the æsthetic sentiment stirring the people to vie with another at great expense in properties and decorations and personal adornment. Suppose "thronging millions" waiting for hours in breathless adoration while Sauerkraut clubs and May pole dancers and Uncle Sam wheeling Oklahoma and Mr. ROOSEVELT stripping feathers from the eagle on the gold coin go by. Suppose all these things, fill yourself with an antique spirit of easy enjoyment and solemn pleasure in the obvious, familiar and conventional and an immense respect for Philadelphia traditions, and you may get some faint appreciation of the rapture of Philadelphia at her annual "Shooters' New Year's Day parade, the bright beginning and whitest atone of the Philadelphia

calendar. This year the Shooters did their duty.

cannot sit a horse ought not to get a cheered and applauded," and "thou- coed Governor GUILD. The other hidsands from their vantage places in windows of tall buildings, houses and from many roofs echoed the plaudits." Titania and Oberon and Cinderella and the imaginary city of Bustleton, kings and queens by the dozen; whole circuses of spangles and clowns-it was a noble festival.

We congratulate the best costumed clubs and the best dressed captains on the prizes their bravery won. There is nothing mean about Philadelphia, by the way. The first prize was \$500 and the lowest \$25. There were some 10,000 persons in the show, which, while excellent of its kind, was smaller than in previous years.

There is a good, simple, hearty, out of door spirit about these Shooters, and a certain appeal to the imagination in their costumes and mummings and performances. We don't write of them in dispraise, but rather with admiration. From the Manhattan point of view they are "provincial" and "rural" of course. Might they not succeed in this town, however, if all the Shooters were provided with automobiles and furnished with unlimited champagne to drink along their triumphant way? Then, surely, they would touch the Manhattan heart and taste.

#### For the Immediate Attention of Mr. Justice Brewer.

We are beginning to fear that even another and more carefully worded form of anti-third term declaration will be required to satisfy Dr. ALBERT SHAW of the American Review of Reviews. After printing Mr. ROOSEVELT'S renunciation of December 11 Dr. ALBERT SHAW proceeds to indulge in these speculations:

" It is well to call attention to the peculiarities of our system of electing a President. In the strict and official sense it is not a candidate for the Presidency who is presented for the suffrages of the soters, but rather a group of Presidential electors in each State. The people choose the electors and the electors choose the President.

" If the Chicago convention should declare that in its judgment the Presidential electors in the several States ought to cast their ballots for Mr. ROOBEVELT, and should decline to nominate anybody eise, the men nominated as Republican electors in their several States would, if elected, doubtless cast their votes for Mr. ROOSEVELT. And if the Repub licans should have a majority in the electoral col lege Mr. ROOSEVELT would be declared elected when the votes were counted in due form.

"Under those circumstances it is not to be sup posed that any man could decline to take the oath of office if in possession of his physical and mental powers. Mr. ROOSEVELT has not said that he would refuse to serve as President if elected. He has merely said that he would not accept a nomination. His platform is contained in his last message to Con gress. If the American people choose to make him President no acceptance of a nomination would be absolutely necessary.

The italics in the foregoing passage are contributed by us. The enthusiasm manifestly underlying the presentation of this pleasing and ingenious hypothesis belongs exclusively to Dr. ALBERT SHAW, so recently in personal conference with Mr. ROOSEVELT himself over the state of the country, at the luncheon table in the White House!

### Some Naval Problems.

Among many entertaining speculations stimulated by the proposed assignment of a medical officer to command a hospital ship, one especially engages our nterest Heretofore the succe regards command of naval vessels has been clearly defined by law and regulation. Should Captain Jones, for instance, drop dead upon the bridge or in the conning tower there would be no sort of question touching the inheritance of authority. Five or six deaths, indeed would not disturb the official organization or usher in the smallest conflict.

In the case of the Relief, however, to which Surgeon STOKES has been or is about to be assigned as the commander what would follow his untimely taking off? Pursuing Dr. RIXEY's theory to its ultimate deduction, why might not the Captaincy at last devolve upon an apothecary or a trained nurse, or even some worthy and ardent member of the Red Cross in petticoats?

If this is an argument to the absurd, it is the situation that has precipitated the absurdity. We have abundant rec-York city under any ballot law, this ord of similar futility and abortion in the case of army transports where three different persons-the quartermaster, the civilian sailing master and the line officer in command of the troops on board-all claimed supremacy and precedence, and by virtue of their discordant clamor the Massachusetts ballot as well as on | nullified the possibility of leadership and usefulness. The conundrum cannot be set aside. Even Dr. RIXEY himself cannot dispose of it with a prescription.

# / Norman's No!

An unknown man with a terrible scow ran to the orient horizon of Massachusetts at daybreak on New Year's and made a desperate endeavor to prevent the morning. He plunged into the midst of the course where the chariot of PHOEBUS came gleaming, and it ran over him. When they picked him up he was identified as a young man named Non-MAN HELIOPHOBE WHITE, a Representative in the Legislature from Brookline, the richest town in the world; and he is the richest thing in the town. The sun was the Hon. JOHN N. COLE of Andover, rising that day for the third time as

Speaker of the House. No citizen of the Commonwealth has performed more disagreeable duties than Mr. WHITE. What to others are mere routine pleasures, occasions for glowing with benignity, he deftly seizes upon and transmutes into chapters for his cyclopædia of sorrow. Yet the apex remained to be scaled. "I am doing," he proclaimed, weltering in woe, "the most disagreeable duty of my life." It was in the Republican caucus. Quoth Grief:

" I for one believe that JOHN N. COLS is smart that he is capable, and will give to the Common wealth the best ability he has as Speaker; but I also believe that he holds political ambition higher than the good of this old Commonwealth. There fore I say that we are putting ourselves on record as doing something which has been arranged by a machine. I vote No."

Mr. WHITE'S cryptic allusion darkly describes the patient labor by which Mr. COLE has sought to succeed as Lieutenant-Governor the Hon. EBEN S. DRAPER \*Dense crowds that lined the route when Mr. DRAPER shall (if he shall) suc-

den hint, that of the "machine," reveals for the first time what the State House reporters have been sitting up forenoons at the Bellevue trying to determine-with whom would be Senator Longe? The observation also presents a striking picture of Mr. WHITE'S lachrymobile propaganda. "No machines!" When he has prevented the merger of the Boston and Maine with the New Haven he will break up each of those contrivances into its parts, and with exultant gloom restore the stage coach. From this a return to hand cobbling and

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will be no more. At the end of the year's session if anybody shall ask whether it was a happy experience all save one may well respond, "I seemed comparatively happy." Such is the supernal value of contrast.

the cottage distaff will be but one tri-

umphantly dismal step, and machines

If Mr. FAIRBANKS has seen "The County Chairman' the ambition of Mr. GEORGE ADE to support him in the national convention as a delegate from Indiana may not strike the Vice-President favorably, for his style of campaigning excludes the flippant and abhors the comic as fatal to success It is doubtful whether Mr. ADE is solemn enough in his solemnest moments for a Fairbanks delegate.

### THE MECHANICS OF DEATH BY DROWNING. Mystery of the Presence of Water in the

Lungs. TO THE EDITOR OF THE SUN-Sir: In you account of the murder at Harrison, N. J., it is said that "the condition of the lungs and the bronchial passages showed the doctors that she was breathing when she was thrown into the marsh. The lungs were full of water and there were traces of mud and cinders in the bronchial tubes. She must have drowned very quickly.

The late Professor William H. Pancoast once told me that he was certain water could not enter the lungs of a drowning person and that water in the lungs was pretty good evidence that the person died before going under. His theory was that death from drowning was simply death for lack of air, and the water taken in by the nose or mouth had no part in the killing; that this water simply went into the stomach and that no live person could get water into the lungs under any circumstances; that the windpipe refuses to allow it to pass, and he cited as a proof of this what we call "swallowing the

way." Pancoast die allow that water Professor Pancoast did allow that water could get into the lungs of a drowned person some time after death, when the muscles had relaxed, and he maintained that in a case of drowning before death occurred the tongue turned back into the mouth, closing the passage tight, and this accounted for so many drowned people not getting water into the lungs at all, even when in the water many hours after death. He was very positive in his opinion that people rescued from drowning were in no danger from the water taken in, as this was only in the stomach, and if it was an inconvenience the stomach would force the water out.

was an inconvenience the stomach would force the water out.

The case that brought out Professor Pancoast's opinion was that of a friend of mine who was drowned trying to rescue two women. He went under and his body was not found for two hours. When found there was no water in the lungs. In consequence it was stated at the time that he must have died before going under.

In talking over this case with Professor Pancoast I remember his saving that had my friend died before going under there certainly would have been water in the lungs. It would have been water in the lungs was proof positive that he strangled for want of air, and the tongue turned back and prevented the water getting into the lungs; and this would always happen in death by drowning, though long afterward if the muscles relaxed the water then could get in.

Many physicians seem to hold the opposite

get in.

Many physicians seem to hold the opposite opinion, and in some murder trials testimony on this point is made much of. Furthermore, some people still think the first thing to do is to get the water out of a drowning person and force respiration afterward, which, of course, is wrong if Professor Pancoast was right, though the old rolling on a barrel theory seems to be discredited now.

I have talked to several physicians about this theory of Professor Pancoast's, and I do not think physicians as a rule have given

# G. WARRINGTON CURTIS. SOUTHAMPTON, N. Y., December 31.

Rosa Bonheur's "Horse Fair." TO THE EDITOR OF THE SUN-Sir: The statemen your issue of December 29 in relation to Rosa Sonheur's "Horse Fair" is incorrect. The picture was sold at private sale to Mr. Mr. William P. Wright through H. W. Derby, at that time an importer and dealer in paintings, having a gallery at 625 Broadway, and was not included in the sale made for Mr. Wright March 18, 1867

sale and have a copy of the catalogue, which I will show any one who may care to verify this statement. The amount paid by Mr. Vanderbilt for the picture was \$53,000. JOHN ORTGIES. NEW YORK, December 30.

TO THE EDITOR OF THE SUN-Sir: In you answer to "Richmond" you state that there is a quarter size replica of Rosa Benheur's "Horse Fair" the National Gallery, London. During a recent visit to the Louvre in Paris I say a painting of this subject which the guide said was the working drawing of the original now in the Metropoiltan Museum of Art in New York, the story being that when Rosa Bonheur found that the painting had gained such worldwide renown sh

'painted in" the original drawing. Will you kindly state if these are the facts?

The statement made in THE SUN Decem ber 29 regarding the sale of Rosa Bonheur's 'Horse Fair" now at the Metropolitan Museum was based on a letter of the late S. P. Avery o Ernest Gambart, the original purchaser of the picture, which is republished in the official catalogue of paintings of the Metropolitan Museum. Mr. Ortgies may be correct as to minor details, but the question at issue as put by "Richmond" was answered. Cornelius Vanderbilt and not A. T. Stewart presented the picture to the Metropolitan Museum. The official catalogue puts the price at \$55,500. Mr. Ortgies says \$53,000. If he is correct, then the catalogue should be revised.

The Louvre replica of the famous "Horse Fair" is probably a second one of which S. P. Avery speaks in the letter referred to above It was resold in London, said Mr. Avery, for \$20,000. He also mentions a smaller water color drawing, which is "now an heirloom belonging to the town of Middleborough. But the whole affair is set forth at length in the catalogue of the museum on pages 12 and 13. To it we refer those interested. Cne thing is certain: New York possesses the original "Horse Fair" painted by Rosa Bonheur.

### High Hats in Many Climes. TO THE EDITOR OF THE SUN-Sir: As another veteran of 70 I should like to Join W. E. Brown

in a protest against the stovepipe hat. nonstrosity and an insult to civilization, but you can't get rid of it. It came into existence, I believe omewhere in the year 1731, but it holds its own with a tenacity which cannot be accounted for. In the "Life" of Queen Victoria I find the Prince Con sort with a tall, straight chimney pet, and Napoleon when in the zenith of his power wore a hideous slik hat which the French in those days called "La

The savage King of Dahomey, even without a trip of clothing, wears a silk hat when in full dress, and so does President Roosevelt. At the opera the young dude carries it under his arm, and you can tell at once whether he is used to good society by the aristocratic way in which he flips out the hideous hing as he enters his carriage with the ladies In Bombay and Calcutta even the very best so

ciety wear sola topis like our New York street sweepers, because they keep away the deadly rays of the sun. But when they make a morning call they leave the sola topi in the buggy and enter the drawing room with a high allk hal. Every well to do man in New York on Sundays wears a chimney post, and so does the Wall Street promoter and the

look agent on week days. In fact you cannot stand altogether for respecta ty, to say nothing of honesty, without a silk has. Whole volumes could be written on the evolution and the historic tenacity of the high silk hat, but

orbear. To one thing only can we swear, The sacred, the eternal bat, NEW YORK, January 1.

HANDCUFF POLICIES.

Velled Confession, in the Last Mei sage, of Their Failure. TO THE EDITOR OF THE SUN-Sir: In one of those rattling, offhand speeches

which Senator Tillman makes now and then in the Senate he said a few days ago: Why does not the President turn on the light fellow stealing somebody else's money? So much the better, in his view apparently, to denounce all these infamics of predatory wealth; go over the country making speeches which destroy the confidence of the masses and make them suspice to them unwilling to embark their money is sprises; talk about the villaintes of this rail make them road magnate and that, of this banker and tha do not happen to find that a solitary one of ther has ever been put in prison. So the machinery of our courts is very lame and impotent or the stration is very imperfect, for there is some hing wrong somewhere.

The idea enveloped in the question is chestnut in party politics quite old. After the Hepburn and Sherman laws had been enacted in the interest of open public highways and perfect freedom of interstat trade each of the rival political parties endeavored to keep itself before the voters as the special and only champion of an effort to break up vicious practices in violation of long established custom. Thus the Democrats denied the efficiency of Harrison's Administration in that regard: The Republicans retorted that Cleveland's second Government was no better: the Democrats replied in the campaign of 1904 that under McKinley's rule no offenders had been put behind prison bars. Th pot calls the kettle black.

It is due to President Roosevelt to say that in his recent annual message he de clared there was no public opinion ye behind the laws referred to and their amendments which constrained petit furors to convict. He wrote to Congress:

There must be public opinion back of the law or the laws themselves will be of no avail. At present, while the average juryman undoubtedly vishes to see trusts broken up and is quite read o fine the corporation itself, he is very reluctan to find the facts proven beyond a reasonable doub when it comes to sending to jail a member of the business community for indulging in practice fortunately, the business community has grow

to recognize as well nigh normal. Both the present condition of the law and the present temper of juries render it a task of extreme difficulty to get at the real wrongdoer in any such case, especially by imprisonment.

It is akin to idiocy to expect petit jurors to render verdicts imprisoning reputabl or even "undesirable citizens" for indulging in practices which are recognized as custom and "well nigh normal." The fool says in his heart that a statute can quickly change an established custom.

While our country was successfully em ploying State corporations and railroads bad practices crept in which violated the common law rule requiring the iron highways to be open to all on equal terms and trade to be free from unreasonable restraints. Evolution from partnerships of gigantic corporations necessary for the work of the United States was appalling Statute makers began a third of a century ago to try to preserve domestic free trade and corporation efficiency. The Hepburn and Sherman laws of 1887-90 were an outcome. The effort was to repress by legis lation injurious departures from custom The statutes were inefficient, chiefly be cause prosecuting officers could not obtain the needed facts to secure conviction. It was not the fault of any of the Harrison. Cleveland or McKinley Administrations. At length Attorney-General Knox suggested and in 1903 perfected several amendments of those laws enabling him and his officers to corkscrew out the facts. One or two

of those amendments came near violating

the Fourth and Fifth Amendments of the

Constitution. Meanwhile, after a quarter of a centur of effort by statute and lawsuit, which accomplished little to repress bad practices which had become almost "normal leaners of capital, investors, bankers and "malefactors of great wealth" began to take up the problem, but the devices of pooling arrangements, "gentlemen's agreements," stipulations by railway managers to secure reasonable rates and highways open to everybody on equal terms were on demand of the Attorney-General declared in violation of the Sherman law Those efforts to secure uniform rates and stop discrimination as well as unreason. able restraints of trade were denounced as crimes. Partisans of Roosevelt and Bryan clamored for application of handcuffs, but the very men who joined in the clamor as local politicians refused as jurymen to abet the clamor. Statutes were powerless. "Malefactors of great wealth" who were owners of the railways and other corporations, buyers of their bonds, loaners of needed capital, went on conferring and by concert fixing rates in face of handcuffs and prisons. The President and his Attorney-General were impotent in presence of so general a custom, although in violation of the Hepburn and Sherman statutes as

amended. Jurors had rebelled. Adroitly enveloped in 45,000 verbiages. President Roosevelt at last confesses impotency to put handcuffs on hundreds upon hundreds of the best citizens in our land. among them those in Boston and New York whom he has violently denounced in public speech as "malefactors," but who with courage unsurpassed have upheld, nevertheless, the pillars of our industries and national greatness when the currency earthquake came out of those denunciations.

By violent and brutal use the Sherman law has utterly broken down. The President confesses thereto in his last annua message, but yet endeavors slyly to hide the confessions. The following are some of the sentences deftly scattered in spots over the document:

Experience has definitely shown not merely the unwisdom but the futility of endeavoring to put a stop to all business combinations. Modern industrial conditions are such that combination is not only necessary but inevitable

It is profoundly immoral to put or keep on the statute books a law, nominally in the interest of public morality, that really puts a premium upon public immorality by undertaking to forbid hones men from doing what must be done under modern business conditions, so that the law itself provides that its own infraction must be the condition prece dent upon business success.

The anti-trust law should not prohibit compinations that do no injustice to the public, still less those the existence of which is on the whole of benefit to the public.

The Government must now submit to irkso and repeated delay before obtaining a final de cision of the courts upon proceedings instituted and even a favorable decree may mean an empty victory. Moreover, to attempt to control these corporations by lawsuits means to impose upon impossible burden; it is not feasible to carry on more than a limited number of such sults. Thus perish the handcuff policies of

Roosevelt and Bryan! The way is now open for a patriotic effort in the coming year to restore to sound business men in all parts of our country

an opportunity to achieve the union of corporate efficiency with public highways open to everybody on fair and equal terms and perfect freedom of interstate trade. HARVARD. Cambridge, Mass., January 1.

Better Still. Knicker-Do you believe in biennial see the Legislature? Bocker-Why not have them meet annually, but have every other year for the repeal of bills only?

MODERNISM AT THE VATICAN. Remarks by a Loyal Catholic on the Recent

Encyclical. TO THE EDITOR OF THE SUN-Sir: In England as well as in America the admirers of Leo XIII, and of Cardinal Newman have viewed with regret (even although with the submission of good Catholies to the powers that be) the severity of the condemnation and of the punishment for the offence of "modernism." It is by no means the first instance of such severity on the part of the Vatican; for as the Popes are human, we have had many different phases of humanity in the chair of St. Peter.

The chief theological school of Christendom in the early part of the thirteenth century went through a similar experience under Gregory IX. The Catholic University of Paris was at that time invaded by the spirit of "modernism." It took up as its weapons the recently discovered physics, metaphysics and psychology of Aristotle. In the year 1200 a provincial council, as-

sembled at Paris under Pierre de Corbeil. Archbishop of Sens, forbade the public or private reading of Aristotle's Natural Phiosophy or of any commentary thereon This prohibition was disregarded, and in 1228 the Pope himself intervened with his letter "Ad Magistros Theologiæ Parisienses. The Pope says in this letter that the teachers in the University of Paris are setting up the image of Antiochus in the temple of God. for faith hath no merit where human reason

furnishes it with proof. This fulmination had one object: the logic of Aristotle might be used, but his physics and metaphysics were strictly prohibited. Three years later Pope Gregory IX., then verging on his ninetieth year, changed his mind. This wonderful old man was always

open to new impressions.

In 1231 he commissioned three masters of Paris to examine the forbidden books. "We understand," he writes, "that the books of natural philosophy, forbidden by the provincial council held in Paris, are said to contain both useful and useless matter." Therefore they are to be carefully revised and sifted. Ribliothèque Nationale. The change in the Pope's attitude is upposed to have been brought about by the affuence of Michael Scotus's translation of Aristotle's "De Anima." The result of this change of face on the part of the Pope was the immediate absolution of masters and scholars of the Paris University from all censures incurred by the reading of the forbidder books. In the year 1237 all the prohibitions were withdrawn, and within thirty years after the condemnation launched by Gregory IX Thomas Aquinas was lecturing in Paris and citing Aristotle's "De Anima" as an auhority second only to the apostolic writers.

All this was not accomplished without some "These moderns," Chancellor Ende protests. complains, "care little or nothing for the science of God, but spend nearly all their time secular science." And so history repeats We may perhaps hope that the Holy Father, Pope Pius X., may also change his mind, as did his illustrious predecessor. It is surely to be wished for, because the present policy of the Vatican is in danger of undoing much if not all of the great work of the pon-tificate of Leo XIII., that most enlightened and far seeing soul, whose charity and love reached out beyond the limits of his own fold and called to him all the scattered flocks of Christendom. How well we can remember that when Pope Leo XIII, lay dying prayers for his recovery went up from Protestant churches, and that at the requiem masses there was not standing room in our Catholic churches, so crowded were they with Protestants who came to pay their last tribute of respect and veneration.

That this feeling does not exist to-day

Catholics themselves are not sure of th ground they stand upon, if what was or hodox yesterday under Leo XIII. becomes heresy to-day under Pius X. We have always supposed that faith in the creed and the sac raments of the Church, and a recognition of papal authority in the definition of doctrine with regard to these mysteries, was all that ould be required of a member of the Church. To-day we see good Catholics in France opinion other than that of the Vatican as to the best policy for the Church to pursue in their own country. We also see men whose faith is absolutely unflinching excommunicated for insubordination in a matter which might be passed over by a mild censure or a patient tolerance. The excesses of the mod ernists have not done and could not do as much harm to the Church as the excessive severity of their punishment. Surely there must be a limit to the power to excommuni cate the faithful. If not, we can only pray that the Pope may be merciful as his Father

mong non-Catholics is a very sad commen-

tary upon the present attitude of the Vatican.

# NEW YORK, January 2.

a heaven is merciful.

Political History. TO THE EDITOR OF THE SUN-Sir: If the files of THE SUN for 1896 are available please examine ther or July. You will find therein enough about one forace Boles of Iowa to shake your recollection that Richard P. Bland and William J. Bryan wer met Bryan was not even a delegate, being admitted only after the accredited representatives from Nebraska were made to walk the plank. Teller had been mentioned, but not even Bryan himself magined that he, only 36 y cars of age and two years fore defeated as a candidate for Senator, stood any chance for the Presidential nomination. Then he made his speech, and the country began to sit up and take notice. George A. Chapin. PRILADELPHIA, December 31.

A CATHOLIC.

Here is a memorandum of the voting at the Democratic national convention of 1896. It is printed for Mr. Chapin's benefit: First ballot: Bryan, 137; Bland, 235; Boies 67; Matthews, 37; McLain, 54; Pattison, 97 Blackman, 92; Teller, 8. Scattering votes for others.

Second ballot: Bland, 281; Boies, 37; Mat thews, 34; McLain, 53; Blackman, 41; Pattison, 100; Bryan, 197; Teller, 8. Third ballot: Bland, 291; Boies, 36; Mathews, 34; McLain, 54; Bryan, 219; Blackman,

27; Pattison, 97; Teller, none. Fourth ballot: Bland, 241; Boies, 33; Mat thews, 36; McLain, 46; Bryan, 280; Pattison, 7; and scattering votes for others. Fifth ballot: Bryan, 652; Bland, 11: Patt on, 95; Stevenson, 8; Hill, 1; Turpie, 1. Bryan nominated.

Our Growing Exports to Japanese China. It is interesting to note the growth each mont (except May) during the ten months ended Octo ber 31 last of our exports to Japanese China. Her are the Bureau of Statistics figures: \$4,000° July ..... 127,038 August ... 244,871 September 483,059 October...

April..... June. Total. \$5,690,868 These exports consisted of mainly Cars for steam railways...... Rails for railways.
Structural iron and steel
Wheat flour.
Nails and spikes. Wire.
Metal working machinery
Mining machinery
Rollers and parts of engir Mining machinery
Bollers and parts of engines
Scales and balances
Builders' hardware. Japanese China consists of the territory which was leased to Russia by China in 1896 and transferred to Japan by Russia under the Treaty of It includes Port Arthur and Dainy. Other exports were books, maps, grease, rubbe

beiting and hose, various forms of Iron and stee

chandeliers, paints, pigments and colors, trunks

valises and travelling bags, varnish and other articles. All this is of special interest, being a new

trade for us.

sewing machines, stationary engines, safes, lamps,

Arizona's New Seal. Phænix correspondence Los Angeles Times. The Territory of Arizona has acquired a new great seal. The old scal was adjudged out of date. ts design being about as stiff as the decoration on the tombs of the Pharachs. In accordance with the legislative act establishing it. it contained what purported to be a representation of the Sar Francisco Mountains, a pine tree, a cactus and deer. These features are included in the new sea also, but they are far more lifelike and more true to nature. The designer is Warren E. Rollins, an artist who has spent much time in Arizona paint ing the Grand Caffon and in studying Indian types,

ARMY HORSEMANSHIP AGAIN. Service Finbbergasted by a New Order

Affecting the Corps of Cadets. TO THE EDITOR OF THE SUN-Sir: The cartoonists and paragraphers have had fun recently with the riding test of the "fat Colonels" (some of whom are as fat as a match) who have been required by the President's order to undergo a physical examination as to their fitness to mount a horse, and then, if found so fitted by medical examination, to ride five miles at a walk, five miles at a tro and five miles at a gallop. The President's latest order on this subject makes the test much more severe in future: all field officers, except those of the coast artillery, are to be required to ride thirty miles a day for three consecutive days. These orders, emanating directly from President Roosevelt, have therefore attracted much more attention than another general order in regard to riding, issued with no flourish of trumpets. Throughout the army, however, the other order to which we refer has attracted fully as much attention as the President's pronunciamento.
It affects slim cadets instead of fat Colonels, and was first published last August in the

following form: G. O. 179, August 29, 1907, War Department. By direction of the President, the following para-graph is added to the Regulations for the United

States Military Academy: 95%. A board composed of five officers of car alry or field artillery, to be appointed in orders from the War Department, shall assemble annually at West Point on or about the first day of June to examine carefully the members of the graduating class as to their fitness for mounted service, and to report them by name in three groups as determined by the result of the examination, viz.; First-Those considered specially qualified for counted service.

Second-Those considered qualified. Third—Those considered not qualified.
The report of the board will be forwarded through the Superintendent of the Academy to the Adju ant-General of the army.

To say that this order came as a surprise to horse, foot and dragoons is putting it mildly. It is well known that the student body at West Point, in local phrase the Corps of Cadets, is the most democratic body in the world. Upon the appearance of this extraordinary order the question immediately arose. What are the special qualifications for mounted service? All cadets are taught to ride and all graduates have been commis sioned indiscriminately in the foot and the mounted service. The "special qualifica tions" therefore would seem to be something not mentioned in the order, some mysterious thing due, it might be suspected, to the facts that the Superintendent, Commandant and Adjutant of the Military Academy are all cavalry officers, that the Chief of Staff is former cavalry officer, that the Inspector-General, the Quartermaster-General, the Judge Advocate General, the Chief Signal Officer, General Leonard Wood and President Roosevelt are all former cavalry officers-in alry influence at Washington, already eviairy influence at Washington, and increases denced in the new pay bill, which increases the mounted officer's pay more than that of the continual fight any other officer, and in the continual fight that the infantry has to make in order to obtain its proper representation, and in fact to obtain even a hearing on matters in which it

obtain even a hearing on matters in which it is vitally concerned.

As if to quiet the idea that there could be any intention of giving the mounted service opportunity to obtain the pick of the graduates, based upon social and political considerations, the order was amended last month and now appears in the following form:

G. O. 239. November 29, 1907, War Department.

I. Paragraph 351/2. Regulations for the Military Academy, is amended to read as follows:

301/2. A board composed of five officers, to be appointed by orders from the War Department, will examine carefully the members of each graduating class as to their fitness for mounted service, taking into consideration only the degree of pro-

appointed by orders from the War Department, will examine carefully the members of each graduating class as to their fitness for mounted service, taking into consideration only the degree of proficiency shown by them in riding and horsemanship and their size when so great as to indicate present or future unsuitability for mounted service, and will report them by hame in three groups as determined by the result of the examination, viz.:

First—Those considered specially qualified for mounted service.

Second—Those considered qualified.

The report of the board will be forwarded through the Commandant of Cadets and the Superistendent of the Academy to the Adjutant-General of the army.

In any shape this order is a radical departure from long standing custom. In the first place the arranging of cadets in order of merit in any branch of study has heretofore been determined by the academ of department in charge of that branch: and in the second place the recommendation as to what branch of the service a graduate should be commissioned in has always been made by the Academic Board, and has been based upon the graduate's class standing—those at the head of the class going to the engineers, next ordnance, and third infantry, cavairy and artillery.

These recommendations of the Academic Board have as a rule been adopted by the War Department, though in many cases they have been modified; sometimes a man not recommended for the engineers has been commissioned in the engineers nevertheless. Naturally the men who stand highest in the mathematical studies are recommended for engineers and ordnance, but there has never heretofore been any question as to every graduate's fitness for promotion to either the mounted or foot service.

These recommendations of the Academic Board used to appear in the "Official Register of the Officers and Cadets of the United States Military Academy," in the last column of the "General Merit Roll of the Graduating Class." For example, the graduating class of 1903 was recommended as follows:

The

The first ten for the engineers, ordnance, artillery, cavalry or infantry.

The next eleven for the ordnance, artillery, cavalry or infantry.

The remaining seventy-two for the artillery, cavalry or infantry.

Total, ninety-three.

For some unexplained reason this was the last appearance of this column. In the subsequent "Official Registers." those of 190°, 190°, 190°, and 1907, such column does not

appear.
Is it possible that the instruction in riding, which is in the hands of mounted officers, has deteriorated within the past few years to such an extent that only a part of the graduating class is able to ride?
All cadets have the same course of instruction in riding, as they do in all other forms of drill. Should any member of the graduating class be classified under the third head mentioned in this order he ought not to be commissioned in this order he ought not to be commissioned. class be classified under the third head men-tioned in this order he ought not to be commis-sioned at all. A graduate of West Point who is not qualified for the mounted service is not qualified for the army. Perhaps the intention is to appoint a simi-

lar board to examine carefully the members of the graduating class as to their fitness for foot service and to report them by name in three groups as determined by the result of he examination, viz.

First—Those considered specially qualified for the fantry and coast artillery.
Second—Those considered qualified.
Third—Those considered not qualified.

infantry and coast artiflery.

Second—Those considered qualified.

It may be that some members of the graduating class who are found specially qualified for the foot service.

Should some unfortunate be relegated to the third class in both examinations, the conclusion would be unavoidable that something was lacking in the curriculum of the most famous military school in the world.

Another curious question that presents itself to the mind is, How have the hundreds of appointees to the mounted service from the volunteers, the ranks and civil life, many of whom have not had a tithe of the riding instruction which is given to cadets, managed to perform their duties? Are appointments to the mounted service in future to be made from volunteers, the ranks and civil life, as hereofore, without examination or inquiry as to the appointee's acquaintance with equitation? Is a man who has never been on a horse better qualified for the mounted service than one who has received three years systematic instruction in riding?

To any one acquainted with the biographies of West Pointers the proposed Paragraph 93% will appear to be one of two things either a thinky disguised effort on the part of a would-be elite corps to discriminate against foot troops, including the National Guard, which is and must be the great bulk of our national defence, or else it is another evidence of the present tendency of the War Department to become examination mad. Cadets at West Point are being continually examined from the time they enter until the time they leave. The severity of the course of instruction is proverbial. Yet it is now proposed to pile Pellon upon Ossa in the case of these defenceless youngsters (who have been caught young) while the President may and does appoint to the army civilians who have had no military training whatever.

To the old West Pointer the notion of appointing a board to determine whether a graduate is qualified for the mounted service is so absurd as to be preposterous. If a West Pointer is not qualified to be a

BURLINGTON, Vt., December 30. Justice 25 Years, Sent Only One to Jail. Washington correspondence Pittsburg Disputch.
Thomas McCleery, aged sighty-one, for twenty dve years a justice of the peace, died to day at West Alex andria. During his entire service Justice McCleery ommitted but one person to the county lall and

had but one transcript entered on the County